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December 1, 2000
REVISOR OF STATUTES



BUREAU OF MEDIATION SERVICES

State of Minnesota

Governor Jesse Ventura
130 State Capitol
St. Paul, MN 55155

Representative Steve Sviggum, Chair
Legislative Coordinating Commissioner
463 State Office Building
St. Paul, MN 55155

Michele Timmons
Revisor of Statutes
700 State Office Building
St. Paul, MN 55155

Senator Steven G. Novak, Committee Chair
Jobs, Energy and Community Development
322 State Capitol
St. Paul, MN 55155

Senator Linda Runbeck, Ranking Minority Member
Jobs, Energy and Community Development
Economic Development Budget Division
107 State Office Building
St. Paul, MN 55155

Senator Jerry R. Janezich, Chair
Economic Development Budget Division
328 Capitol
St. Paul, MN 55155

Representative Arlon Linder, Chair
Jobs and Economic Development Policy Committee
417 State Office Building
St. Paul, MN 55155

Representative Mike Jaros, DFL Lead
Jobs and Economic Development Policy Committee
291 State Office Building
St. Paul, MN 55155

Representative Dan McElroy, Chair
Jobs and Economic Development Finance Committee
437 State Office Building
St. Paul, MN 55155

Representative Steve Trimble, DFL Lead
Jobs and Economic Development Finance Committee
289 State Office Building
St. Paul, MN 55155

Subject: Annual Report of Obsolete, Unnecessary, or Duplicative Rules, as Required
by Minnesota Statutes, Section 14.05, Subdivision 5.

Minnesota Statutes, Section 14.05, subdivision 5, states:

"By December 1 of each year, an agency must submit to the governor, the legislative coordinating commission, the policy and funding committees and divisions with jurisdiction over the agency, and the revisor of statutes a list of any rules or portions of rules that are obsolete, unnecessary, or duplicative of other state or federal statutes or rules. The list must also include an explanation of why the rule or portion of the rule is obsolete, unnecessary, or duplicative of other state or federal statutes or rules. By December 1, the agency must either report a timetable for repeal of the rule or portion of the rule, or must develop a bill for submission to the appropriate policy committee to repeal the obsolete, unnecessary, or duplicative rule. Such a bill must include proposed authorization to use the expedited procedures of section 14.389 to repeal or amend the obsolete, unnecessary, or duplicative rule. A report submitted under this subdivision must be signed by the person in the agency who is responsible for identifying and initiating repeal of obsolete rules. The report also must identify the status of any rules identified in the prior year's report as obsolete, unnecessary, or duplicative. If none of an agency's rules are obsolete, unnecessary, or duplicative, an agency's December 1 report must state that conclusion."

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We have identified the following rules that are obsolete, unnecessary, or duplicative and that should be repealed:

Minnesota Rules, Chapter 7300, Appeals of Bureau Decisions
Minnesota Rules, Chapter 7306, Integrity and Independence of Board
Minnesota Rules, Chapter 7320, Arbitration Roster maintained by the Board

These rules we originally adopted to govern the Public Employment Relations Board (PERB), a body created with the enactment of PELRA in 1971. Its duties were hearing appeals of Bureau decisions, maintain a roster of labor arbitrators and administer requests for independent review under Minnesota Statute 179A.25. The Board was abolished by a line-item veto in 1992. The board's duties were then assigned to the Bureau. The arbitration roster duties were duplicative of Bureau duties and the Bureau has continued to perform them under its own rules. Appeals of Bureau decisions are now made directly to district courts in accordance with Minnesota Statute 179A.051.

The Bureau has administered requests for independent review in accordance with an internal policy. In a recent ruling (William Cross v. Beltrami County, March 7 2000), the Minnesota Court of Appeals held that the rules of the former PERB for administration of the independent review appeals (MR 7315) remain in effect and are to be applied by the Bureau.

The Bureau is now in the process of repealing all of the former PERB rules with the exception of the 7315 independent review rules. The independent review rules are now in the process of revision. The first draft was submitted to the revisor on November 10, 2000. We plan to publish a request for comment on the repeal/update of the rules in January of 2001.

If you have any questions regarding this report, please contact me at:

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St. Paul, MN 55108
Phone: (651) 649-5433

Sincerely,



Lance Teachworth
Commissioner

LT:cc